

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CALVIN ROBINSON,

Plaintiff,

Case No. 20-cv-10502

Hon. Matthew F. Leitman

v.

KATRINA COLEMAN,

Defendant.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 59), (2) DISMISSING PLAINTIFF'S
COMPLAINT (ECF No. 1), AND (3) TERMINATING AS MOOT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (ECF No. 53)**

On February 27, 2020, Plaintiff Calvin Robinson filed this action under 42 U.S.C. § 1983 against Defendants Katrina Coleman, the Genesee County 7th Circuit Court Probation Department, and the Michigan Department of Corrections. (*See* Compl., ECF No. 1.) Robinson brings claims for libel, slander, violations of his Eighth and Fourteenth Amendment rights, and violation of Michigan's Wrongful Imprisonment Compensation Act, Mich. Comp. Laws § 691.1751. (*See id.*) The only remaining Defendant in this action is Coleman.

On December 29, 2021, Coleman filed a motion for summary judgment. (*See* Mot., ECF No. 53.) Robinson's response to the motion was due on January 19, 2022, but he did not file a response by that date. A month later, Robinson had still

not responded to the motion. Accordingly, on February 24, 2022, the assigned Magistrate Judge issued an order to show cause directing Robinson, by no later than March 18, 2022, to either (1) show cause “why this Court should not recommend that [Coleman’s] motion for summary judgment be granted” or (2) file a response to Coleman’s motion. (the “First Show Cause Order”) (First Show Cause Order, ECF No. 56, PageID.354.) The Magistrate Judge then warned Robinson that his “[f]ailure to timely and adequately respond in writing to [the First Show Cause Order], or to timely file a response to [Coleman’s] motion, may result in a recommendation that [Coleman’s] motion be granted and/or that Robinson’s claims be dismissed under Fed. R. Civ. P. 41(b).” (*Id.*, PageID.354-355.)

Robinson did not respond to the First Show Cause Order. The Magistrate Judge then issued a second show cause order in which he provided Robinson one final opportunity to respond to Coleman’s summary judgment motion (the “Second Show Cause Order”). (*See* Second Show Cause Order, ECF No. 58.) In the Second Show Cause Order, the Magistrate Judge ordered Robinson to respond to Coleman’s motion by no later than April 6, 2022. (*See id.*, PageID.359.) The Magistrate Judge then again warned Robinson, in bold and underlined text, that his “failure to file such materials by **April 6, 2022, will result in a recommendation that [Coleman’s] motion be granted and/or that Robinson’s claims be dismissed under Fed. R.**

Civ. P. 41(b).” (*Id.*; emphasis in original). Robinson did not respond to the Second Show Cause Order.

Given Robinson’s lack of response to Coleman’s motion for summary judgment, the First Show Cause Order, and the Second Show Cause Order, the Magistrate Judge issued a report and recommendation on April 25, 2022, in which he recommended that the Court (1) dismiss Robinson’s Complaint with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for “failing to comply with orders of the Court and by failing to file papers necessary for the prosecution of his claims” and (2) terminate Coleman’s motion for summary judgment without prejudice as moot (the “R&R”). (R&R, ECF No. 59, PageID.364.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days (*i.e.*, by no later than May 9, 2022.) (*See id.*, PageID.302.)

Robinson has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Robinson has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that (1) the Magistrate Judge's recommended disposition described in the R&R is adopted; (2) Robinson's Complaint (ECF No. 1) is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b); and (3) Coleman's motion for summary judgment (ECF No. 53) is **TERMINATED WITHOUT PREJUDICE AS MOOT**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 12, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 12, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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